

Adopting And Issuing A Negative Declaration Under 6 NYCRR Part 617 State Environmental Quality Review Act (SEQRA) By The Ulster County Legislature For The Construction Of A Veterans Cemetery To Be Located At 381 Plains Road New Paltz New York – Veterans Service Agency

Referred to: The Health, Human Services and Housing Committee (Chair Walter and Legislators Corcoran, Erner, Lopez, Nolan, Petit, and Uchitelle), and The Energy, Environment and Sustainability Committee (Chairwoman Greene and Legislators Hansut, Erner, Maloney, and Stewart)

Chair of the Health, Human Services and Housing Committee, Eve Walter, and Deputy Chair Craig V. Lopez, and Legislators Corcoran, Fabiano, Hansut, Litts, Roberts, and Ronk offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Veterans Service Agency; and

WHEREAS, Pursuant to Resolution No. 468 of November 20, 2018 Capital Project 528 was established for the development of a Veteran’s Cemetery to serve all of the veterans in Ulster County (the “Project”) with funding included for the necessary engineering and design services for the Project; and

WHEREAS, pursuant to Resolution No. 306 of July 2019, Ulster County declared its intent to act as lead agency for the construction of a Veteran’s Cemetery to be located at 381 Plains Road in the Town of New Paltz with a portion located in the Village of New Paltz, utilizing lands owned by the New Paltz Rural Cemetery Association; and

WHEREAS, in accordance with Resolution No. 306 of July 2019, Ulster County conducted a coordinated review for this unlisted action and circulated its Notice of Intent to serve as Lead Agency, together with the EAF and accompanying documentation to all interested and involved agencies pursuant to 6 NYCRR Part 617.6(b) (2) (i) and 6 NYCRR Part 617.6(b) (3) with no objections to such lead agency designation filed within the required time frame; and

WHEREAS, as part of the Project approval process, the County has completed an expanded Environmental Evaluation of Impacts that includes an analysis of impacts to historic and archeological sites, viewshed, wetlands and water bodies, threatened or endangered species, traffic, cumulative growth, and other environmental considerations as required under 6 NYCRR Part 617 (the “Regulations”) and Article 8 of the Environmental Conservation Law of New York State ("SEQRA"); and

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WHEREAS, the County in considering the 381 Plains Road site for a Veteran’s Cemetery noted that a Cemetery was not a permitted use under the Village of New Paltz Zoning Statute, that relief from this prohibition would be necessary, and similarly, while cemetery use was permitted in the Town of New Paltz, the County sought a determination from both the Town and the Village of New Paltz as provided for under the Matter of County of Monroe v. City of Rochester, 72 N.Y. 2d 338, which established a new “balancing of public interests” test to allow local municipalities to determine whether a specific project qualified for immunity from local zoning requirements; and

WHEREAS, both the Town and Village of New Paltz Planning Boards, after following the procedural steps and in accordance with the nine (9) factors identified by the Monroe Court, granted the County’s request for immunity from the provisions of their respective zoning ordinances allowing the County to proceed with the Project without further consideration of local zoning provisions but requiring continued coordination and opportunity for input from the respective boards; and

WHEREAS, pursuant to SEQRA, the County Legislature has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the Regulations, and (b) examining the EAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the EAF, together with other available supporting information, to identify the relevant areas of environmental concern, and (c) thoroughly analyzing the areas of relevant environmental concern; and

WHEREAS, such evaluation of impacts and accompanying Negative Declaration has been filed with the Clerk of the Legislature and made available to members of the Legislature; now, therefore be it

RESOLVED, Ulster County has addressed all SEQRA issues as identified, considered and examined by the Involved and Interested Agencies and members of the public in conducting the environmental review and in so doing, hereby determines that the Project will not have a significant adverse environmental impact, will not require the preparation of a Draft Environmental Impact Statement with respect to the Project; and, be it further

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RESOLVED, that pursuant to SEQRA and the Regulations, the Ulster County Legislature hereby adopts and issues the Negative Declaration under SEQRA for the construction of a veteran’s cemetery in the Town and Village of New Paltz to be located at 381 Plains Road upon the vote thereupon and the signature of the Ulster County Legislature Chairman herewith; and, be it further

RESOLVED, that the Clerk of the Legislature shall file this Resolution and accompanying Negative Declaration with the Involved and Interested Agencies as enumerated in the Negative Declaration; and, be it further

RESOLVED, that the adoption of the Negative Declaration shall constitute the SEQRA Decision of approval for the construction and all of the actions associated with the Veterans Cemetery located at 381 Plains Road. including access roads, communal shelter, columbaria, landscaping, and other Project elements together with plans and documents associated with the Project and in accordance with the conditions imposed by the Town and Village of New Paltz in issuing their determination of immunity from the zoning statute under the Monroe Balancing of Public Interest test,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 0

Passed Committee: Health, Human Services and Housing on March 2, 2022

Passed Committee: Energy, Environment and Sustainability on March 3, 2022

FINANCIAL IMPACT:
NONE

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 16th Day of March in the year Two Thousand Twenty-Two, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 18th Day of March in the year Two Thousand Twenty-Two.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
18th Day of March 2022.

Approved by the County Executive this
24th Day of March 2022.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

|s| Patrick K. Ryan
Patrick K. Ryan, County Executive